

OGC HAS REVIEWED.

NOV 28 1955

Mr. Roger W. Jones
Assistant Director for
Legislative Reference
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Jones:

This Agency has considerable interest in H. R. 6716, a bill introduced by Congressman Crumpacker to amend Title 28 of the United States Code relating to actions for infringements of copyrights by the United States.

Under the present laws, if the United States makes use of a patented article without being licensed to do so, the owner of the patent can bring an action against the United States for recovery. However, there is at present no specific legislative provision authorizing copyright infringement suits to be brought against the United States. As a result, in the one court case in existence at this point (*Towle v. Ross*, 32 F. Supp. 125), the Federal employees involved were held to be personally liable for the infringement even though the actions were done for the benefit of the Government.

The problem of the use of copyrighted material by CIA has troubled us for a considerable period of time. We have considered requesting the introduction of legislation of our own to protect our individual employees by authorizing the copyright owner to sue the Government rather than individual employees. H. R. 6716 would be most helpful in remedying this inequitable situation by placing the suit for infringement of copyright on the same basis as suits for infringement of patents, where the infringement is for Government purposes.

CIA feels that its interest in this copyright problem is a highly specialized one and that any position which the Administration may take on such legislation must be on its general merits rather than on a specialized case. However, it is our opinion that Mr. Crumpacker's bill, or similar legislation on the subject, would be highly desirable, and we are writing this letter to urge that the Administration give careful consideration to securing enactment of legislation of this type.

Sincerely yours,

Walter L. Pfornhehner
Legislative Counsel

cc - Register of Copyrights

WLP
OGC:WLP/blc
Orig. & 1 - Add
2 - Signer

LPH
AD/00

B. but - P.L. check
again. All this

22 June - is going anywhere
There was a hearing on 24 May,
but nothing further has happened
or is scheduled.

Adler - WP Str. - Commerce
& Defense for. Notably gone. State & Justice
no position. All recommend that it not be under
Federal Tort Claims Act.

Standard Form 63
Jan. 1952U. S. GOVERNMENT
MEMORANDUM OF CALLDate *13 June* Time *11 30*

STATINTL

TO— *Mr [redacted]*☒ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—*Mr. Adler**B of Budget*TELEPHONE: Number or code *169* Extension *3646*☐ PLEASE CALL ☐ WAITING TO SEE YOU
☐ WILL CALL AGAIN ☐ WISHES AN APPOINTMENT
☐ RETURNING YOUR CALL

LEFT THIS MESSAGE:

Re H.R. 6716

Received by—

For

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|---|----------|---------------|
| TRANSMITTAL SLIP | | DATE |
| | | <i>4/2/56</i> |
| TO: | | |
| ROOM NO. | BUILDING | |
| REMARKS: | | |
| <p><i>Note for info - No evidence that this is going anywhere. No Administration position on it as yet. We will call one when there is one.</i></p> <p><i>Wes B</i></p> | | |
| FROM: LEGISLATIVE COUNSEL | | |
| ROOM NO. | BUILDING | EXTENSION |